

**REMARKS**

Claims 1 through 20 remain in the application.

**35 U.S.C. § 103**

Claims 1 through 4, 9 through 14, 19, and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Aitken et al. (U.S. Patent No. 6,577,971) in view of Watkins (Managing Cross-Functional Problem-Solving: A Study of Liftgate Engineering At Ford of Europe). Applicants respectfully traverse this rejection.

U.S. Patent No. 6,577,971 to Aitken et al. discloses a system and method for evaluating craftsmanship. FIG. 1 illustrates generally an underlying concept of an exemplary embodiment--to provide a system of objectively evaluating and "grading" the quality of craftsmanship of an article of manufacture in such a way as to facilitate objective comparison of the article and/or between two or more articles. The system allows designers, manufacturers or potential customers, for example, to evaluate and also to compare against standards and/or against other articles in an effort to determine which is the better article. (The article of manufacture is a motor vehicle such as an automobile including an interior and components.) The system and method involves applying a detailed checklist or worksheet to facilitate the evaluation the craftsmanship or quality of a variety of components or assemblies of an article of manufacture. The system for evaluating the craftsmanship of an article of manufacture as perceived by a trained technician (or other person) selection of a list of components or assemblies to be evaluated, selection of a list of attributes by which the components or assemblies are to be evaluated, conducting the evaluation through the perception and recording of information (e.g. observations) pertaining to the component or assembly with reference to the attributes selected, providing a report including a quantitative score or "rating" of the attribute for each component or assembly. The system and method allows the evaluation of the attributes of the article by

perceiving the attribute and recording an observation relating to the attribute of at least one component or assembly. The system and method also may include providing reports in a wide variety of formats allowing evaluation and/or comparison of results of a single article of manufacture or a variety of articles of manufacture of identical or similar or related types. Aitken et al. does not disclose setting a target rating for a vehicle based on an actual rating. Aitken et al. also does not disclose identifying craftsmanship issues that resolve a gap from an actual rating to a target rating, and determining whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating.

The publication “Managing Cross-Functional Problem-Solving: A Study of Liftgate Engineering at Ford of Europe” to Watkins discloses a conceptual framework and some simple mathematical models, intended to illuminate key issues in the management of cross-functional problem-solving, are proposed. In the conceptual framework, the central objective of cross-functional problem-solving is the creation of powerful shared interpretative frameworks through cycles of problem-framing and problem solving. In these cycles, groups of specialists identify, evaluate and resolve gaps in existing knowledge and differences in beliefs, interests and language. Effectiveness in this process is linked to: (1) the nature of the technical interdependencies linking the problem-solving efforts of specialist engineers, (2) the structure of problem-solving conversations among engineers, and (3) the particular problem-solving strategies used by engineers to: (a) develop and validate models of customer needs and technical solutions, (b) manage complexity, (c) learn and negotiate, and (d) retain design knowledge for use in subsequent development programs. Watkins does not disclose setting a target rating for a vehicle based on an actual rating. Watkins also does not disclose identifying craftsmanship issues that resolve a gap from an actual rating to a target rating, and determining whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating.

In contradistinction, independent claim 1 claims the present invention as a system for rating craftsmanship of vehicles. The system includes a computer for receiving customer data relating to craftsmanship for a vehicle, building a component/system database from the collected customer data, rating the vehicle for craftsmanship based on component/system database to obtain an actual rating, setting a target rating for the vehicle based on the actual rating, identifying craftsmanship issues that resolve a gap from the actual rating to the target rating, and determining whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating. Independent claim 11 is similar to claim 1 and is directed to a computer method of craftsmanship rating of vehicles.

The United States Court of Appeals for the Federal Circuit (CAFC) has stated in determining the propriety of a rejection under 35 U.S.C. § 103, it is well settled that the obviousness of an invention cannot be established by combining the teachings of the prior art absent some teaching, suggestion or incentive supporting the combination. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929 (Fed. Cir. 1984). The law followed by our court of review and the Board of Patent Appeals and Interferences is that “[a] prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). See also In re Lalu, 747 F.2d 703, 705, 223 U.S.P.Q. 1257, 1258 (Fed. Cir. 1984) (“In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification.”)

None of the references cited, either alone or in combination with each other, teaches or suggests the claimed invention of claims 1 and 11. Specifically, Aitken et al. '971 merely discloses a system and method for evaluating craftsmanship of an article of manufacture as perceived by a trained technician (or other person) selection of a list of components or assemblies to be evaluated, selection of a list of attributes by which the components or assemblies are to be evaluated, conducting the evaluation through the perception, recording of information (e.g. observations) pertaining to the component or assembly with reference to the attributes selected, providing a report including a quantitative score or "rating" of the attribute for each component or assembly. Aitken et al. '971 lacks setting a target rating for a vehicle based on an actual rating. In Aitken, the system and method allows the evaluation of the attributes of the article by perceiving the attribute and recording an observation relating to the attribute of at least one component or assembly, but does not set a target rating for a vehicle based on an actual rating. Aitken et al. '971 also lacks identifying craftsmanship issues that resolve a gap from an actual rating to a target rating, and determining whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating. In Aitken et al. '971, there is no identifying of craftsmanship issues that resolve a gap from an actual rating to a target rating, and determining whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating.

The publication "Managing Cross-Functional Problem-Solving: A Study of Liftgate Engineering at Ford of Europe" to Watkins discloses a conceptual framework and some simple mathematical models in which groups of specialists identify, evaluate, and resolve gaps in existing knowledge and differences in beliefs, interests, and language. Watkins lacks setting a target rating for a vehicle based on an actual rating. Watkins lacks identifying craftsmanship issues that resolve a gap from an actual rating to a target rating, and determining whether the

identified craftsmanship issues will resolve the gap from the actual rating to the target rating. In Watkins, while groups of specialists identify, evaluate, and resolve gaps in existing knowledge and differences in beliefs, interests, and language, there is no setting a target rating for a vehicle based on an actual rating, identifying craftsmanship issues that resolve a gap from an actual rating to a target rating, and determining whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating. As such, there is no suggestion or motivation in the art to combine Aitken et al. '971 and Watkins together.

There is absolutely no teaching of a level of skill in the vehicle rating art that a craftsmanship rating system and method sets a target rating for a vehicle based on an actual rating, identifies craftsmanship issues that resolve a gap from an actual rating to a target rating, and determines whether the identified craftsmanship issues will resolve the gap from the actual rating to the target rating. The Examiner may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967).

The present invention sets forth a unique and non-obvious combination of a craftsmanship rating system and method that captures customer opinion and uses this data to formulate and populate a new rating system. The references, if combinable, fail to teach or suggest the combination of a computer method and system for rating craftsmanship of vehicles including a computer for receiving customer data relating to craftsmanship for a vehicle, building a component/system database from the collected customer data, rating the vehicle for craftsmanship based on component/system database to obtain an actual rating, setting a target rating for the vehicle based on the actual rating, identifying craftsmanship issues that resolve a gap from the actual rating to the target rating, and determining whether the identified

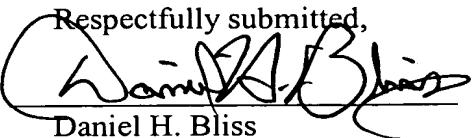
craftsmanship issues will resolve the gap from the actual rating to the target rating as claimed by Applicants.

Further, the CAFC has held that “[t]he mere fact that prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification”. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Examiner has failed to show how the prior art suggested the desirability of modification to achieve Applicants’ invention. Thus, the Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claims 1 through 4, 9 through 14, 19, and 20 are allowable over the rejection under 35 U.S.C. § 103.

Claims 5 through 8 and 15 through 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Aitken et al. ‘971 in view of Watkins (Managing Cross-Functional Problem-Solving: A Study of Liftgate Engineering At Ford of Europe) and further in view of Buddle et al. (U.S. Patent No. 6,912,502). Applicants respectfully traverse this rejection for the same reasons given above to claims 1 and 11.

Obviousness under § 103 is a legal conclusion based on factual evidence (In re Fine, 837 F.2d 1071, 1073, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988), and the subjective opinion of the Examiner as to what is or is not obvious, without evidence in support thereof, does not suffice. Since the Examiner has not provided a sufficient factual basis, which is supportive of his/her position (see In re Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (C.C.P.A. 1967), cert. denied, 389 U.S. 1057 (1968)), the rejections of claims 1 through 20 are improper. Therefore, it is respectfully submitted that claims 1 through 20 are allowable over the rejections under 35 U.S.C. § 103.

Based on the above, it is respectfully submitted that the claims are in a condition for allowance, which allowance is solicited.

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